

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

In re: Valsartan Products Liability  
Litigation

MDL No. 2875

This document relates to:

**RAYMOND DAIS**

Honorable Robert B. Kugler,  
District Court Judge

Honorable Joel Schneider,  
Magistrate Judge

**SHORT FORM COMPLAINT**

Plaintiff(s) file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint and Jury Demand in In re: Valsartan Products Liability Litigation*, MDL 2875 in the United States District Court for the District of New Jersey, Camden Vicinage. Plaintiff(s) file this Short Form Complaint as permitted by Case Management Order Nos. 3, 9, and 13 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint and Jury Demand*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

**IDENTIFICATION OF PARTIES**

I. IDENTIFICATION OF PLAINTIFF(S)

1. Name of individual who alleges injury due to use of a valsartan-containing drug: Raymond Dais

2. This claim is being brought on behalf of

- Myself  
 Someone else

a. If I checked, "someone else", this claim is being brought on behalf of: \_\_\_\_\_

b. My relationship to the person in 2(a) is: \_\_\_\_\_

3. Consortium Claim(s); The following individual(s) allege damages for loss of consortium: \_\_\_\_\_

4. County and state of residence of Plaintiff or place of death of Decedent: \_\_\_\_\_

Prince George's County, Maryland

5. If a survival and/or wrongful death claim is asserted:

a. Name of the individual(s) bringing the claims on behalf of the decedent's estate, and status (i.e., personal representative, administrator, next of kin, successor in interest, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## II. IDENTIFICATION OF DEFENDANTS

1. Plaintiff(s) bring claims against the following Defendants:

(\*Defendants with asterisks next to their names have been dismissed pursuant to a dismissal and tolling stipulation entered by the Parties. By checking the box next to any asterisked Defendant(s), Plaintiff thereby represents that he or she would have brought an action against said Defendant(s) but for the dismissal and tolling stipulation.)

### i. API Manufacturers

|                                     | Defendant Role                      | Defendant Name                           | HQ States |
|-------------------------------------|-------------------------------------|--|-----------|
| <input checked="" type="checkbox"/> | API Manufacturer                    | Aurobindo Pharma, Ltd.                   | Foreign   |
| <input type="checkbox"/>            | API Manufacturer Parent Corporation | Hetero Drugs, Ltd.                       | Foreign   |
| <input type="checkbox"/>            | API Manufacturer                    | Hetero Labs, Ltd.                        | Foreign   |
| <input checked="" type="checkbox"/> | API Manufacturer                    | Mylan Laboratories Ltd.                  | Foreign   |
| <input type="checkbox"/>            | API Manufacturer                    | Zhejiang Huahai Pharmaceutical Co., Ltd. | Foreign   |
| <input type="checkbox"/>            | API Manufacturer                    | John Doe                                 | N/A       |

*ii. Finished Dose Manufacturers*

|                                     | Defendant Role             | Defendant Name                           | HQ States |
|-------------------------------------|----------------------------|--|-----------|
| <input type="checkbox"/>            | Finished Dose Manufacturer | Arrow Pharm (Malta) Ltd.                 | Foreign   |
| <input type="checkbox"/>            | Finished Dose Manufacturer | Aurolife Pharma, LLC                     | NJ        |
| <input type="checkbox"/>            | Finished Dose Manufacturer | Hetero Labs, Ltd.                        | Foreign   |
| <input checked="" type="checkbox"/> | Finished Dose Manufacturer | Mylan Pharmaceuticals Inc.               | WV        |
| <input type="checkbox"/>            | Finished Dose Manufacturer | Teva Pharmaceutical Industries Ltd.      | Foreign   |
| <input type="checkbox"/>            | Finished Dose Manufacturer | Torrent Pharmaceuticals, Ltd.            | Foreign   |
| <input type="checkbox"/>            | Finished Dose Manufacturer | Zhejiang Huahai Pharmaceutical Co., Ltd. | Foreign   |
| <input type="checkbox"/>            | Finished Dose Manufacturer | John Doe                                 | N/A       |

*iii. Repackagers, Labelers, and Distributors*

|                                     | Defendant Role  | Defendant Name  | HQ States |
|-------------------------------------|---|---|-----------|
| <input type="checkbox"/>            | Labeler/ Distributor  | Aceteris, LLC   | NJ        |
| <input type="checkbox"/>            | Finished Dose Distributor   | Actavis LLC   | NJ        |
| <input type="checkbox"/>            | Finished Dose Distributor   | Actavis Pharma, Inc.                                    | NJ        |
| <input type="checkbox"/>            | Rpackager   | A-S Medication Solutions, LLC                           | NE        |
| <input checked="" type="checkbox"/> | Finished Product Distributor  | Aurobindo Pharma USA, Inc.                              | NJ        |
| <input type="checkbox"/>            | Rpackager   | AvKARE, Inc.  | TN        |
| <input type="checkbox"/>            | Rpackager   | Bryant Ranch Prepack, Inc.                              | PA        |
| <input type="checkbox"/>            | Labeler/Distributor   | Camber Pharmaceuticals, Inc.                            | NJ        |
| <input type="checkbox"/>            | Parent Company for The Harvard Drug Group, L.L.C. d/b/a Major Pharmaceuticals | Cardinal Health, Inc.                                   | OH        |
| <input type="checkbox"/>            | Rpackager   | The Harvard Drug Group, LLC d/b/a Major Pharmaceuticals | MI        |
| <input type="checkbox"/>            | Rpackager   | H J Harkins Co., Inc.                                   | CA        |
| <input type="checkbox"/>            | API Distributor   | Huahai U.S. Inc.  | NJ        |

|                                     |                                  |                                 |     |
|-------------------------------------|----------------------------------|---------------------------------|-----|
| <input type="checkbox"/>            | Rearpackager                     | Northwind Pharmaceuticals       | IN  |
| <input type="checkbox"/>            | Rearpackager                     | NuCare Pharmaceuticals, Inc.    | CA  |
| <input type="checkbox"/>            | Rearpackager                     | Preferred Pharmaceuticals, Inc. | CA  |
| <input type="checkbox"/>            | Rearpackager                     | RemedyRepack, Inc.              | PA  |
| <input checked="" type="checkbox"/> | Finished Dose Distributor        | Solco Healthcare U.S., LLC      | NJ  |
| <input type="checkbox"/>            | Finished Dose Distributor        | Teva Pharmaceuticals USA, Inc.  | PA  |
| <input type="checkbox"/>            | Finished Dose Distributor        | Torrent Pharma, Inc.            | NJ  |
| <input type="checkbox"/>            | Labeler/Distributor/Rearpackager | John Doe                        | N/A |

*iv. Wholesaler Defendants*

|                          | Defendant Role | Defendant Name                | HQ States |
|--------------------------|----------------|-------------------------------|-----------|
| <input type="checkbox"/> | Wholesaler     | AmerisourceBergen Corporation | PA        |
| <input type="checkbox"/> | Wholesaler     | Cardinal Health, Inc.         | OH        |
| <input type="checkbox"/> | Wholesaler     | McKesson Corporation          | TX        |
| <input type="checkbox"/> | Wholesaler     | John Doe                      | N/A       |

*v. Pharmacies*

|                                     | Defendant Role   | Defendant Name                  | HQ States |
|-------------------------------------|--|---------------------------------|-----------|
| <input type="checkbox"/>            | Pharmacy   | Albertsons Companies, LLC       | ID        |
| <input type="checkbox"/>            | Parent Corporation for Express Scripts, Inc. and Express Scripts Holding Co. | Cigna Corporation               | CT        |
| <input checked="" type="checkbox"/> | Pharmacy   | CVS Health                      | RI        |
| <input type="checkbox"/>            | Parent Corporation for Express Scripts, Inc.                                 | Express Scripts Holding Company | MO        |
| <input type="checkbox"/>            | Pharmacy   | Express Scripts, Inc.           | MO        |
| <input type="checkbox"/>            | Parent Corporation for Humana Pharmacy, Inc.                                 | Humana Inc.                     | KY        |
| <input type="checkbox"/>            | Pharmacy   | Humana Pharmacy, Inc.           | KY        |
| <input type="checkbox"/>            | Pharmacy   | The Kroger Co.                  | OH        |
| <input type="checkbox"/>            | Pharmacy   | OptumRx                         | CA        |
| <input type="checkbox"/>            | Parent Corporation for OptumRx   | Optum, Inc.                     | MN        |

|                          |   |                          |     |
|--------------------------|---|--------------------------|-----|
| <input type="checkbox"/> | <b>Pharmacy</b>                                       | Rite Aid Corp.           | PA  |
| <input type="checkbox"/> | <b>Parent Corporation for OptumRx and Optum, Inc.</b> | UnitedHealth Group       | MN  |
| <input type="checkbox"/> | <b>Pharmacy</b>                                       | Walgreens Boots Alliance | IL  |
| <input type="checkbox"/> | <b>Pharmacy</b>                                       | Walmart Inc.             | AR  |
| <input type="checkbox"/> | <b>Pharmacy</b>                                       | John Doe                 | N/A |

*vi. FDA Liaisons*

|                          | <b>Defendant Role</b> | <b>Defendant Name</b>        | <b>HQ States</b> |
|--------------------------|-----------------------|------------------------------|------------------|
| <input type="checkbox"/> | <b>FDA Liaison</b>    | Hetero USA, Inc.             | NJ               |
| <input type="checkbox"/> | <b>FDA Liaison</b>    | Prinston Pharmaceutical Inc. | NJ               |
| <input type="checkbox"/> | <b>FDA Liaison</b>    | John Doe                     | N/A              |

**III. JURISDICTION AND VENUE**

7. Jurisdiction is based on:

- Diversity of Citizenship  
 Other as set forth below:  
\_\_\_\_\_  
\_\_\_\_\_

8. Venue: District and Division in which remand and trial is proper and where you might have otherwise filed this Short Form Complaint, absent the Direct Filing Order entered by this Court: Maryland

**IV. PLAINTIFF'S INJURIES**

9. Injuries: Plaintiff was diagnosed with the following type of cancer:

|                          |            |                          |            |
|--------------------------|------------|--------------------------|------------|
| <input type="checkbox"/> | Liver      | <input type="checkbox"/> | Kidney     |
| <input type="checkbox"/> | Stomach    | <input type="checkbox"/> | Colorectal |
| <input type="checkbox"/> | Pancreatic | <input type="checkbox"/> | Esophageal |

|                          |                 |                                     |                    |
|--------------------------|-----------------|-------------------------------------|--------------------|
| <input type="checkbox"/> | Small Intestine | <input checked="" type="checkbox"/> | Other:<br>Prostate |
|--------------------------|-----------------|-------------------------------------|--------------------|

CAUSES OF ACTION

10. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.
11. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by Plaintiff(s):

- Count I: Strict Liability – Manufacturing Defect
- Count II: Strict Liability – Failure to Warn
- Count III: Strict Liability – Design Defect
- Count IV: Negligence
- Count V: Negligence Per Se
- Count VI: Breach of Express Warranty
- Count VII: Breach of Implied Warranty
- Count VIII: Fraud
- Count IX: Negligent Misrepresentation
- Count X: Breach of Consumer Protection Statutes of the state(s) of: Maryland
- Count XI: Wrongful Death
- Count XII: Survival Action
- Count XIII: Loss of Consortium
- Count XIV: Punitive Damages
- Other State Law Causes of Action as Follows:  

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12. Fraud Count: Plaintiff adopts, incorporates and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Fraud Count must be set forth here: 

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13. Express Warranty Count: Plaintiff adopts, incorporates, and relies upon the allegations made in the Master Complaint. Any additional Plaintiff-specific allegations as to the Express Warranty Count must be set forth here: \_\_\_\_\_

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14. Plaintiff(s) further bring claims against the following additional Defendants who are not listed above, and such claims are based upon the following grounds:

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**WHEREFORE**, Plaintiff(s) pray(s) for relief and demand(s) a trial by jury as set forth in the Plaintiffs' Master Long Form Complaint in MDL 2875 in the United States District Court for the District of New Jersey.

Dated: 02/01/2022

/s/ Dennis F. O'Brien

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